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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/950,826	10/15/97	UEMURA	Y 4041J-000063

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EXAMINER

FORD, J

ART UNIT PAPER NUMBER

3743

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DATE MAILED: 01/20/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 10-25-99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above, claim(s) 2, 9 and 11-18 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 3-8, 10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). ✓
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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Applicant's election of the second species described on page 24, line 27 - page 26, line 10 wherein the post evaporator temperature sensor 39 is disposed in second passage 14, without traverse, is acknowledged. Counsel has identified claims 1, 3-8 and 10 as readable on the elected species.

The drawings are objected to because a new drawing, similar to Figure 1, showing sensor 39 in passage 14 as currently claimed is required with an appropriate description in the specification. Correction is required.

Applicant is required to submit a proposed drawing correction in response to this Office action. However, formal correction of the noted defect(s) can be deferred until the application is allowed by the examiner.

Approval is given to replace "180a" with --- 180a¹ --- in Figure 10, as proposed.

Three highly material references have been submitted for consideration. At least one of these have been (previously) fully translated.

It is believed to be incorrect to assert translations are unavailable given the fact of a previous translation and given the fact that the real party in interest is Denso corporation a multi-national corporation with significant assets. Please provide full translations of all three documents in response to this action.

JA 5-124,426 has been fully translated by Denso previously. JA 7-47831 may have a United States equivalent. JA 62-29411 also may have been translated previously by Denso in

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another application before this examiner. Please provide translations or English language equivalents for consideration here.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art Figure 11C and Figure 11D in view of JA '411 or JA '831 or JA '426 and JA '645.

Prior art Figures 11C and 11D show the basic control set up. Apparently sensor 39 attempts to keep the post temperature essentially constant by cycling the compressor and/or controlling the expansion valve. Is the Examiner's understanding correct? If not, please provide some sort of detailed English language explanation of how the system shown in Figure 11C and 11D operates.

JA '411, JA '831 and JA '426 all show details of the various ducts which are lacking in the schematic representations of Figure 11C and 11D. To have added such ducting, change over doors and discharge ducts to the system shown in prior art Figures 11C and 11D to make it function in a real world automobile would have been obvious.

Finally JA '645 teaches modulating evaporator temperature as a function of outdoor temperature to prevent misting on the window glass surface. To have used the evaporator

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temperature modulation scheme of JA '645 to reduce misting on the window of the system disclosed in prior art Figures 11C and 11D would have been obvious to one of ordinary skill.

A handwritten signature in black ink, appearing to read 'J. Ford', with a large, stylized loop at the end.

John K. Ford
Primary Examiner

J. FORD:LM
JANUARY 05, 2000
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